

# PATENT COOPERATION TREATY

Sender: INTERNATIONAL SEARCH AUTHORITY

# PCT

To:

see Form PCT/ISA/220

**WRITTEN DECISION OF THE  
INTERNATIONAL SEARCH AUTHORITY  
(PCT Rule 43bis.1 PCT)**

		Date Sent <i>(Day/Month/Year) see Form PCT/ISA/210 (Sheet 2)</i>																																																															
<b>Reference Number of the Applicant or Attorney See Form PCT/ISA/220</b>		<b>ADDITIONAL PROCESSING</b> see point 2 below																																																															
<b>International Reference Number PCT/EP2005/000942</b>		<b>International Application Date (Day/Month/Year) February 1, 2005</b>																																																															
		<b>Priority Date (Day/Month/Year) February 2, 2004</b>																																																															
<b>International Patent Classification (IPC) or national classification and IPC B65G47/51</b>																																																																	
<b>Applicant KRONES AG</b>																																																																	
<p><b>1. This decision contains information on the following points:</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15px; text-align: center; vertical-align: top;"> <input checked="" type="checkbox"/> </td> <td style="width: 15px; text-align: center; vertical-align: top;"> <input type="checkbox"/> </td> <td style="width: 15px; text-align: center; vertical-align: top;"> <input type="checkbox"/> </td> <td style="width: 15px; text-align: center; vertical-align: top;"> <input checked="" type="checkbox"/> </td> <td style="width: 15px; text-align: center; vertical-align: top;"> <input checked="" type="checkbox"/> </td> <td style="width: 15px; text-align: center; vertical-align: top;"> <input type="checkbox"/> </td> <td style="width: 15px; text-align: center; vertical-align: top;"> <input type="checkbox"/> </td> </tr> <tr> <td>Field No. I</td> <td>Basis of the report</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. II</td> <td>Priority</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. III</td> <td>No development of an opinion concerning novelty, inventive activity, and commercial applicability</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. IV</td> <td>Insufficient unity of the invention</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. V</td> <td>Substantiated finding according to Rule 43bis.1(a)(i) with regard to novelty, inventive activity, and commercial applicability; documents and explanations in support of this finding</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. VI</td> <td>Certain cited documents</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. VII</td> <td>Certain deficiencies in the international application</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Field No. VIII</td> <td>Certain notes concerning the international application</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Field No. I	Basis of the report						Field No. II	Priority						Field No. III	No development of an opinion concerning novelty, inventive activity, and commercial applicability						Field No. IV	Insufficient unity of the invention						Field No. V	Substantiated finding according to Rule 43bis.1(a)(i) with regard to novelty, inventive activity, and commercial applicability; documents and explanations in support of this finding						Field No. VI	Certain cited documents						Field No. VII	Certain deficiencies in the international application						Field No. VIII	Certain notes concerning the international application					
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<p><b>2. ADDITIONAL PROCESSING</b></p> <p>If an application for a preliminary international examination is made, then this decision is considered the written decision of the authority entrusted with the Preliminary International Examination ("IPEA"); this does not apply if the applicant chooses another authority than the IPEA and the chosen IPEA has informed the International Office pursuant to Rule 66.1bis(b) that written decisions of this International Search Authority are not recognized.</p> <p>If this decision, as provided for above, is considered the written decision of the IPEA, then the applicant is requested to submit a written position statement and, if applicable, changes, to the IPEA before the expiration of a 3-month period starting on the day when the form PCT/ISA/220 was sent or before the expiration of a 22-month period starting on the priority date, where the time period with the later expiration date applies.</p> <p>Other options, see Form PCT/ISA/220.</p>																																																																	
<p><b>3. For further details see the notes concerning the Form PCT/ISA/220.</b></p>																																																																	

Name and Address of the Agency in charge of the International Examination

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Form (PCT/ISA/237) (Cover sheet) (January 2004)

Field No. I Basis of this report

AP20 Rec'd PCT/IT05/000942 J1 AUG 2006

1. With regard to the language, the decision was prepared on the basis of the international application in the language in which it was submitted, unless otherwise indicated under this point.  
 The decision was prepared on the basis of a translation from the original language into the following language, which is the language of the translation which was submitted for the purposes of the international search (pursuant to Rules 12.3 and 23.1(b)).
2. With regard to the nucleotide and/or amino acid sequence which was disclosed in the international application and which is required for the claimed invention, the decision was prepared on the following basis:
  - a. Type of material
    - sequencing protocol
    - table(s) on the sequencing protocol
  - b. Form of the material
    - in written form
    - in machine readable form
  - c. time of the submission
    - contained in the international application submitted
    - submitted together with the international application in a machine readable form
    - submitted to the Authority at a later time for the purpose of the search
3.  If more than one version or copy of a sequencing protocol and/or a corresponding table was submitted, then it is necessary to submit in addition the required explanations, indicating that the information in the additional copies is in agreement with the information in the application in the submitted version, or does not exceed the scope of the latter information.
4. Additional notes:

**Field No. IV Insufficient unity of the invention**

1.  Following the request for the payment of additional fees (Form PCT/ISA/206), the applicant has:
    - paid additional fees.
    - paid additional fees with objection.
    - not paid any additional fees.
  2.  The authority has established that the requirement for unity of the invention has not been satisfied, and it has decided not to request payment of additional fees from the applicant.
  3. The authority is of the opinion that the requirement for unity of the invention according to Rules 13.1, 13.2 and 13.3
    - has been satisfied
    - has not been satisfied for the following reasons:  
**See added sheet**
  4. Therefore, the decision was issued the following parts of the international application:
    - all parts.
    - the parts relating to the Claims with the following numbers:

**Field No. V. Substantiated finding according to Rule 43bis 1(a)(i) with regard to novelty, inventive activity, and commercial applicability; documents and explanations in support of this finding**

- ## 1. Finding

Novelty

Yes: Claims 1-40, 42-48  
No: Claims 41

### Inventive activity

**Yes:** Claims 2, 3, 5, 7-27, 29-40, 42-48  
**No:** Claims 1, 4, 6, 28, 41

#### **Commercial applicability**

Yes: Claims 1-48  
No: Claims

- ## **2. Documents and explanations See added sheet**

Reference is made to the following documents:

D1 = EP-A-1275603;  
D2 = EP-A-1295820;  
D3 = EP-A-0734978.

**To point IV.**

- 1 This authority has established that the international application contains several inventions or groups of inventions, which are not connected by a single general inventive idea (Rule 13.1 PCT), namely:
  - I. A device for dynamic storage of objects along a conveying section with an endless, flexible conveying means, where the endless conveying means is provided with grippers over its entire length.
  - II. A device for dynamic storage of objects along a conveying section with a link chain which is fitted with rotatable guide rollers.
2. These inventions are not connected to each other in such a manner that they embody a single general inventive idea for the following reasons.
3. The application is devoted to the general problem of producing a device for storing objects with a link chain.
4. Document D1 discloses a device for dynamic storage of objects (goods (G)) along a conveying section between an input station (input station) and an output station (output station) with an endless, flexible conveying means (conveying means (1)), which is variably subdivided into a conveying strand (storage strands (10, 10')) and an idle strand (idle strand (11, 11', 12, 12')), where the conveying strand and the idle strand each present areas with variable length, which move in opposite directions (see figures), with at least one carriage (carriage (2)) which can be moved in the plane of conveyance for changing the storage capacity, which carriage presents a first deflection for the conveying strand (deflecting roll (12)) and a second deflection for the idle strand (deflecting roll (21')), as well as with a first drive device for the

conveying means in the area of the input station and a second drive device for the conveying means in the area of the output station, where the first drive device and the second drive device can be driven independently of each other with variable speed of conveyance (see: column 3, sections 15-17).

5. The contributions to the state of the art according to document D1 of the different inventions are evaluated as follows:

**Claims 1-27**

The endless conveying means is provided with grippers over its entire length; the corresponding problem is, for example, to produce an alternative device for dynamic storage of objects along a conveying section between an input station and an output station.

**Claims 28-48**

The link chain is equipped with rotatable guide rollers; the corresponding problem is, for example, to produce an alternative link chain.

6. No identical, nontrivial characteristics, or characteristics with identical or corresponding, nontrivial, effect can be obtained from the claims or from the description.
7. The required unity of the application (Rule 13.1 PCT) thus no longer exists because there is no technical connection in the sense of Rule 13.2 PCT between the objects of the mentioned groups of claims, which connection would be expressed in one or more identical or corresponding special technical characteristics.

**To point V.**

Because the search fees for both inventions have been paid, this decision applies to both inventions and to all the claims, respectively.

**Invention 1 (Claims 1-27)**

Form PCT/ISA/237 (added sheet) (sheet 2) (EPA January 2004)

1      **Claim 1**

Document D1 is considered to be the closest state of the art and it discloses a device for dynamic storage of objects (see Point IV – Section 4).

However, Document D1 does not disclose a conveying means which is provided with grippers over its entire length.

2.    The problem to be solved with Claim 1 can thus be considered to procure an alternative device for dynamic storage and for gripping of objects.
3.    The solution proposed in Claim 1 of the present application cannot be considered inventive for the following reasons (Article 33(3) PCT):  
The solution characteristics have already been used for the same purpose in a similar device, on this topic see Document D2, particularly column 3, section 14. If the person skilled in the art wants to achieve the same purpose with a device according to Document D1, he can use without further action the characteristics with corresponding effect even for the object of D1. In this manner, he would obtain a device according to Claim 1 without any inventive step.
4.    The additional characteristics of the dependent Claim 4 and 6 are also known from the combination of Document D1 with Document D2.
5.    Claims 1-27 relate to a commercially applicable object (Article 33(4) PCT).

**Invention 2 (Claims 28-48)**

1.      **Claim 28**

Document D1 is considered to be the closest state of the art and it discloses a device for dynamic storage of objects (see Point IV – Section 4).

However, Document D1 does not disclose that the conveying means presents a link chain which is fitted with guide rollers, where the chain runs at least in some areas in

at least one stationary guide rail, and where at least one guide roller is arranged on the given chain link in such a manner that it can be moved.

2. The problem to be solved with the Claim 28 can thus be considered to provide a device for dynamic storage and for gripping of objects with an alternative link chain.
3. The solution proposed in Claim 28 of the present application cannot be considered inventive for the following reasons (Article 33(3) PCT):  
The solution characteristics were already used for the same purpose in a similar device, on this topic see Document D3, particularly column 3, lines 8-41; abstract; Figures 1 and 3.  
If the person skilled in the art wants to achieve the same purpose with a device according to Document D1, then he can use without further actions the characteristics with the corresponding effect even for the object of Claim D1. In this manner, he would obtain a device according to Claim 28 without any inventive step.
4. **Claim 41**  
Document D3 discloses a link chain (chain assembly (14)), which is fitted with rotatable guide rollers (center rollers (24)), where at least one guide roller (see: column 3, lines 38-41) is attached to the given chain link in such a manner that it can be set in motion. Thus, all the characteristics of Claim 41 are known from D3.
5. The Claims 28-48 relate to a commercially applicable object (Article 33(4) PCT).

Form PCT/ISA/237 (added sheet) (sheet 4) (EPA January 2004)